

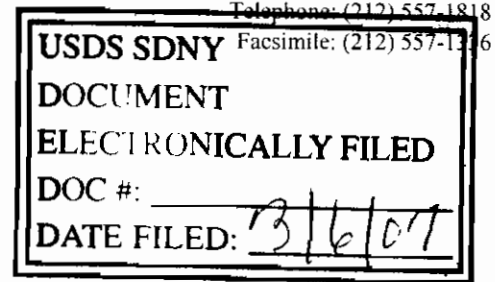
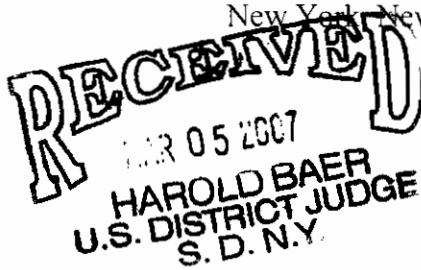
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March 5, 2007

VIA EMAIL

Honorable Harold Baer, Jr.
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Chambers 2230
New York, New York 10007

RE: Williams v. St. Clare's Hospital and Health Center, n/k/a St.
Vincent's Midtown Hospital
No. 05-Civ-5909

Dear Justice Baer:

I am writing with respect to defendant St. Clare's Hospital pending motion to vacate the entry of default against Dr. Lazarus. While the trial has been adjourned due to plaintiff's incarceration and inability to appear for the trial on March 12, 2007, the undersigned respectfully requests that the motion regarding Dr. Lazarus' default be heard at Your Honor's earliest convenience.

The reason for this request is that the issues of service on Dr. Lazarus and the entry of default against him are separate and distinct from the trial of this action on the merits. As outlined in our motion papers, Dr. Lazarus was employed by St. Clare's Hospital at the time of the alleged negligence, but he never treated the plaintiff and did work in any capacity at St. Clare's Hospital at the time plaintiff purportedly served process on him at St. Clare's Hospital. The purpose of the motion is to correct an error that has resulted in a default entered against a physician who was not given proper notice of this lawsuit and whose legal rights have been negatively impacted. As a result of the prejudice to Dr. Lazarus, we request that this motion be heard at Your Honor's earliest convenience.

I have spoken with plaintiff's counsel, Joshua Geller, Esq., and advised him that I would make this request. The motion is fully briefed and has been noticed for March 12, 2007. The parties are amenable to a different date for the motion hearing and the undersigned will provide courtesy copies of the fully briefed motion at Your Honor's direction.

Thank you.

Respectfully,

Rachel H. Poritz

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CC: Joshua Geller, Esq. (via email)

The motion may be
fully briefed & perhaps it is - but it
has not reached chambers so I'm
left on nothing about it - after I read
the papers I will be glad to decide the
motion if it will in no way affect
the underlying litigation.

SO ORDERED:

Harold Baer, Jr., U.S.D.J.

Date: 3/5/07

The motion may in your view be fully briefed and perhaps it is but it has not reached Chambers so I know little or nothing about. After I read the papers I will be glad to decide the motion if it will in no way affect the underlying litigation.